

1 **BATHAEE DUNNE LLP**

2 Yavar Bathaee (CA 282388)

3 yavar@bathaeedunne.com

4 Andrew C. Wolinsky (CA 345965)

5 awolinsky@bathaeedunne.com

6 445 Park Avenue, 9th Floor

7 New York, NY 10022

8 (332) 322-8835

9 Brian J. Dunne (CA 275689)

10 bdunne@bathaeedunne.com

11 Edward M. Grauman (*pro hac vice*)

12 egrauman@bathaeedunne.com

9 901 S. MoPac Expressway

10 Barton Oaks Plaza I, Suite 300

11 Austin, TX 78746

12 (213) 462-2772

13 *Interim Co-Lead Counsel for the*
14 *Advertiser Classes*

1 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**

2 Amanda F. Lawrence (*pro hac vice*)

3 alawrence@scott-scott.com

4 Patrick J. McGahan (*pro hac vice*)

5 pmcgahan@scott-scott.com

6 Michael P. Srodoski (*pro hac vice*)

7 msrodoski@scott-scott.com

8 156 South Main Street, P.O. Box 192

9 Colchester, CT 06415

10 Tel.: (860) 537-5537

11 Patrick J. Coughlin (CA 111070)

12 pcoughlin@scott-scott.com

13 Carmen A. Medici (CA 248417)

14 cmedici@scott-scott.com

15 Hal D. Cunningham (CA 243048)

16 hcunningham@scott-scott.com

17 Daniel J. Brockwell (CA 335983)

18 dbrockwell@scott-scott.com

19 600 W. Broadway, Suite 3300

20 San Diego, CA 92101

21 Tel.: (619) 233-4565

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **SAN FRANCISCO DIVISION**

16 MAXIMILIAN KLEIN, et al.,

17 Case No. 3:20-cv-08570-JD

18 Plaintiffs,

19 Hon. James Donato

20 v.

21 META PLATFORMS, INC.,
22 **DECLARATION OF BRIAN J. DUNNE
23 IN SUPPORT OF ADVERTISER
24 PLAINTIFFS' MOTION TO EXCLUDE
25 OPINION TESTIMONY OF DR.
26 GEORGIOS ZERVAS**

27 Defendant.

1 I, Brian J. Dunne, declare and state as follows:

2 1. I am an attorney licensed in the State of California and admitted to the United States
3 District Court for the Northern District of California. I am a partner at Bathaee Dunne LLP, counsel for
4 the Advertiser Plaintiffs in the above-captioned matter. I have personal knowledge of the facts set forth
5 herein and, if called as a witness, could and would testify competently to them.

6 2. This declaration is made in support of Advertiser Plaintiffs' Motion to Exclude Opinion
7 Testimony of Dr. Georgios Zervas.

8 3. Attached as **Exhibit 1** is a true and correct copy of the Expert Merits Report of Markus
9 Jakobsson, Ph.D., dated January 12, 2024.

10 4. Attached as **Exhibit 2** is a true and correct copy of the Expert Merits Report of Tilman
11 Klumpp, Ph.D., dated January 12, 2024.

12 5. Attached as **Exhibit 3** is a true and correct copy of the Expert Merits Rebuttal Report of
13 Markus Jakobsson, Ph.D., dated February 9, 2024.

14 6. Attached as **Exhibit 4** is a true and correct copy of the Expert Merits Report of Tilman
15 Klumpp, Ph.D., dated February 9, 2024.

16 7. Attached as **Exhibit 5** is a true and correct copy of a document produced by Meta in this
17 litigation, which was marked as PX 2255 at the deposition of Mark Zuckerberg.

18 8. Attached as **Exhibit 6** is a true and correct copy of a document produced by Meta in this
19 litigation, which was marked as PX 414 at the deposition of Javier Olivan.

20 9. Attached as **Exhibit 7** is a true and correct copy of a document produced by Meta in this
21 litigation, which was marked as PX 2256 at the deposition of Mark Zuckerberg.

22 10. Attached as **Exhibit 8** is a true and correct copy of the Advertiser Merits Rebuttal Report
23 of Georgios Zervas, Ph.D., dated February 9, 2024.

24 11. Attached as **Exhibit 9** is a true and correct copy of excerpts from the certified transcript
25 of the March 19, 2024 deposition of Georgios Zervas.

26 12. Attached as **Exhibit 10** is a true and correct copy of a document produced by Meta in
27 this litigation, which was marked as PX 26 at the deposition of Keval Patel.

1 13. Attached as **Exhibit 11** is a true and correct copy of a document produced by Meta in
2 this litigation, which was marked as PX 2868 at the deposition of Nimrod Priell.

3 14. Attached as **Exhibit 12** is a true and correct copy of a document produced by Meta in
4 this litigation, which was marked as PX 2985 at the deposition of Georgios Zervas.

5 15. Attached as **Exhibit 13** is a true and correct copy of a document produced by Meta in
6 this litigation, which was marked as PX 2984 at the deposition of Georgios Zervas.

7 16. Attached as **Exhibit 14** is a true and correct copy of a document produced by Meta in
8 this litigation, which was marked as PX 2863 at the deposition of Nimrod Priell.

9 17. Lodged natively with the Court, with a notice of manual filing, as **Exhibit 15** is a true
10 and correct copy of an Excel spreadsheet produced by Meta in this litigation under the file name “MS
11 Pipeline 2020 BACKUP 05152020.xlsx,” bearing Bates Number PALM-016175119, which was
12 marked as PX 20 at the deposition of Keval Patel.

13 18. Attached as **Exhibit 16** is a true and correct copy of a document produced by Meta in
14 this litigation, which was marked as PX 2989 at the deposition of Georgios Zervas.

15 19. Attached as **Exhibit 17** is a true and correct copy of the sworn Declaration of Shalev
16 Hulio in Support of Defendants' Motion to Dismiss Under Rules 12(b)(1), 12(b)(2), 12(b)(6), and
17 12(b)(7), filed in the case *WhatsApp, Inc. v. NSO Group Technologies Limited*, No. 4:19-cv-07123-PJH
18 (N.D. Cal.), as Document 45-11, dated April 2, 2020.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed on April 5,
20 2024, in Austin, Texas.

/s/ Brian J. Dunne
Brian J. Dunne